



Nov. 15, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St, SW
Washington, D.C. 20554

**Re: Notice of *Ex Parte* presentations
WC Docket Nos. 16-143 & 05-25**

Dear Ms. Dortch:

On Thursday, Nov. 10, 2016, I met with Stephanie Weiner, Lisa Hone and Matt DelNero regarding the Business Data Services (BDS) proceeding. I made the following points, which are consistent with the longer ex parte letter I submitted to the FCC on October 18, 2016:

- The SHLB Coalition supports the FCC's effort to reduce the above-market prices being charged by incumbent providers of high-capacity data services and urges the FCC to adopt an order at its meeting on Nov. 17.
- Anchor institutions are increasingly purchasing Ethernet services over TDM services, so a pricing regime that lowers TDM prices but not Ethernet prices will provide little direct benefit to anchor institutions. Anchor institutions generally do not distinguish between the two technologies when acquiring bandwidth; they simply seek a certain level of bandwidth and the provider decides what technology to use. Creating two different regulatory regimes based on the type of technology is inconsistent with the fact that they are part of the same market. I asked the FCC to strengthen the proposed Order by adopting a pricing regime for Ethernet services similar to the pricing regime it has proposed for TDM services so that the final Order is technology-neutral.

Sincerely,

John Windhausen, Jr.
Executive Director
SHLB Coalition

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cc: Matt DelNero
Lisa Hone
Stephanie Weiner